

Law Offices of Ron Peters
RON PETERS (SBN: 45749)
901 H Street, Suite 611
Sacramento, California 95814
Telephone: (916) 322-2472
Facsimile: (916) 322-3208
Email: ronslaw207@sbcglobal.net

**Attorney for Defendant
BENJAMIN JOHN SARGISSON**

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff

V.

BENJAMIN JOHN SARGISSON,

Defendant

No. 2:21-MJ-173-CKD

**STIPULATION FOR EXTENSION OF
TIME FOR PRELIMINARY HEARING
PURSUANT TO RULE 5.1 (d) AND
EXCLUSION OF TIME**

Date: January 6, 2022

Time: 2:00 p.m.

Judge: Magistrate Judge Deborah Barnes

The United States of America, through its counsels of record, Phillip A. Talbert, United States Attorney for the Eastern District of California, and James R. Conolly, Assistant United States Attorney, and defendant Benjamin John Sargisson, through his attorney, Ronald Peters, Esq, hereby stipulate and agree that the preliminary hearing set for January 6, 2022 at 2:00 pm should be continued to January 27, 2022 at 2:00 p.m.

This stipulation is necessary to allow the defendant additional time to prepare and the parties to complete additional discovery in this case. The government anticipates that the discovery in this case will be extensive and is awaiting audio compact disc of interviews taken by law enforcement of the defendant and other witnesses.

1 As a result of the foregoing, the parties further agree that the interests of justice served by
2 granting this continuance outweigh the best interests of the public and the defendant in a speedy
3 trial. 18 U.S.C. §3161 (h)(7)(a).

4 The parties agree that good cause exists for the extension of time, and that the modest
5 extension of time would not adversely affect the public interest in the prompt disposition of
6 criminal cases. Therefore, the parties request that the time between be excluded pursuant to 18
7 U.S.C. §3161 (h)(7)(B), Local Code T-4.
8

9 **IT IS SO STIPULATED.**
10

11 **PHILLIP A. TALBERT**
12 **Acting United States Attorney**

13
14 Dated: January 4, 2022

/s/ JAMES R. CONOLLY
15 JAMES R. CONOLLY
16 Assistant United States Attorney

17
18 Dated: January 4, 2022

/s/ RON PETERS
19 **RONALD J. PETERS**
20 **Attorney for Defendant**
21 **Benjamin John Sargisson**
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ORDER

The Court, having considered the stipulation of the parties, and good cause appearing therefrom, adopts the stipulation of the parties in its entirety as its order. Pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure, the date of the preliminary hearing is extended to January 27, 2022, at 2:00 p.m.

Based on the stipulation of the parties, the Court finds that the failure to grant a continuance in this case would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and continuity of counsel. The Court specifically finds that the ends of justice served by the granting of such continuance outweigh the interests of the public and the defendant in a speedy trial and that the time from the date of the stipulation, January 6, 2022, up to and including January 27, 2022, shall be excluded from calculation pursuant to 18 U.S.C. § 3161(h)(7)(A).

It is so ordered.

Dated: January 6, 2022


DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE